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Attorneys for Plaintiffs
SPORTS SHINKO CO., LTD., and
SPORTS SHINKO (USA) CO., LTD.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

| | | |
|----------------------------|---|---------------------------------|
| SPORTS SHINKO CO., LTD., |) | CIVIL NO. CV 04-00124 |
| |) | ACK/BMK |
| Plaintiff, |) | PLAINTIFFS' RESPONSE TO |
| vs. |) | DEFENDANTS OR HOTEL, |
| QK HOTEL, LLC, a Hawai'i |) | LLC AND MILILANI GOLF |
| limited liability company, |) | CLUB LLC'S FIRST REQUEST |
| |) | FOR ADMISSIONS; FIRST |
| Defendant. |) | REQUEST FOR ANSWERS TO |
| |) | INTERROGATORIES; AND |
| |) | FIRST REQUEST FOR |
| |) | PRODUCTION OF |
| |) | DOCUMENTS TO PLAINTIFFS |
| |) | SPORTS SHINKO CO., LTD. |
| |) | AND SPORTS SHINKO (USA) |

) CO., LTD., DATED JANUARY
3, 2005

) SPORTS SHINKO (USA) CO.,) CIVIL NO. CV 04-00125
LTD., a Delaware corporation,) ACK/BMK

) Plaintiff,

) vs.

) PUKALANI GOLF CLUB, LLC, a)
Hawai'i limited liability company;)
and KG MAUI DEVELOPMENT,)
LLC, a Hawai'i limited liability)
company,

) Defendants.

) SPORTS SHINKO (USA) CO.,) CIVIL NO. CV 04-00126
LTD, a Delaware corporation,) ACK/BMK

) Plaintiff,

) vs.

) KIAHUNA GOLF CLUB, LLC, a)
Hawai'i limited liability company;)
KG KAUAI DEVELOPMENT, LLC,)
a Hawai'i limited liability)
company; PUKALANI GOLF)
CLUB, LLC, a Hawai'i limited)
liability company; KG MAUI)
DEVELOPMENT, LLC, a Hawai'i)
limited liability company;)
MILILANI GOLF CLUB, LLC, a)
Hawai'i limited liability company;)

**PLAINTIFFS' RESPONSE TO DEFENDANTS OR
HOTEL, LLC AND MILILANI GOLF CLUB LLC'S
FIRST REQUEST FOR ADMISSIONS; FIRST REQUEST
FOR ANSWERS TO INTERROGATORIES; AND FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS SPORTS
SHINKO CO., LTD. AND SPORTS SHINKO (USA) CO., LTD.,
DATED JANUARY 3, 2005**

Plaintiffs SPORTS SHINKO CO., LTD and SPORTS SHINKO (USA) CO., LTD. ("Plaintiffs"), by and through their attorneys, Alston Hunt Floyd & Ing, hereby respond to Defendants OR Hotel, LLC and Mililani Golf Club LLC's First Request for Admissions; First Request for Answers to Interrogatories; and First Request for Production of Documents to Plaintiffs Sports Shinko Co., Ltd. And Sports Shinko (USA) Co., Ltd. as follows:

GENERAL OBJECTIONS

1. Plaintiffs object to the Admissions and Interrogatories to the extent they seek information protected by the attorney-client privilege, the work product doctrine and any other applicable privilege or doctrine, and no such information will be provided. By responding to the Admissions and Interrogatories, Plaintiffs do not waive, intentionally or otherwise, their attorney-client privilege, work product doctrine protection, or any

8. *Regarding your allegation in paragraph 6 of the OR Complaint that "SS JAPAN is and was a creditor of [SS-Waikiki]", please Identify:*
 - a. *all facts that support or contradict your allegation.*
 - b. *all witnesses that support or contradict your allegation.*
 - c. *all Documents that support or contradict your allegation.*

Objection: Unduly burdensome, seeks privileged communications and attorney work product. Without waiving these objections, Plaintiffs respond as follows:

ANSWER:

- a. SS-Japan loaned millions to SS-Waikiki that have not been paid back. Plaintiffs have disclosed and/or will produce non-privileged documents responsive to this interrogatory, if any exist. A chart indicating documents responsive to certain interrogatories is attached.
- b. See Plaintiffs' initial disclosures, which will be supplemented as discovery continues.
- c. Plaintiffs have disclosed and/or will produce non-privileged documents responsive to this interrogatory, if any exist. A chart indicating documents responsive to certain interrogatories is attached.

RESPONSE:

Plaintiffs have disclosed and/or will produce non-privileged documents responsive to this request, if any exist, subject to their objections and the Stipulated Protective Order.

2. *Produce all Documents showing that Plaintiffs (or either of them) are creditors of the SS Hawaii Subsidiaries, or any of them, including but not limited to all promissory notes, loan agreements, and ledgers evidencing payments and interest accruals on the debt.*

Objection: Seeks attorney-client communications, attorney work product, and sensitive, confidential financial information. Seeks information already in KG's control or possession.

RESPONSE:

Plaintiffs have disclosed and/or will produce non-privileged documents responsive to this request, if any exist, subject to their objections and the Stipulated Protective Order.

3. *Produce all correspondence or other Documents showing communication of any kind between Plaintiffs and the SS Hawaii Subsidiaries concerning the Debt owed to Plaintiff, including demands for payment.*

Objection: Repetitive, duplicative, unduly burdensome. Seeks privileged information, attorney work product, and sensitive, confidential financial information.

RESPONSE:

Plaintiffs have disclosed and/or will produce non-privileged documents responsive to this request, if any exist, subject to their objections and the Stipulated Protective Order.

4. *Produce all Documents showing payment of the Debt owed from each (or any) of the SS Hawaii Subsidiaries to Plaintiff, including receipts, cancelled checks and other evidence or record of payment.*

Objection: Repetitive, duplicative, unduly burdensome. Seeks privileged information, attorney work product, and sensitive, confidential financial information.

RESPONSE:

Plaintiffs have disclosed and/or will produce non-privileged documents responsive to this request, if any exist, subject to their objections and the Stipulated Protective Order.

5. *Produce all Documents showing that each (or any) of the SS Hawaii Subsidiaries created a sinking fund with respect to the Debt owed to Plaintiff.*

Objection: Repetitive, duplicative, unduly burdensome. Seeks privileged information, attorney work product, and sensitive, confidential financial information.

RESPONSE:

Plaintiffs have disclosed and/or will produce non-privileged documents responsive to this request, if any exist, subject to their objections and the Stipulated Protective Order.

6. *Produce all Documents between Plaintiff and its auditors (or the auditors of the SS Hawaii Subsidiaries or any of them) concerning the Debt between Plaintiff and the SS Hawaii Subsidiaries or any of them.*

Objection: Repetitive, duplicative, overly broad, and unduly burdensome. Seeks privileged information, attorney work product, and sensitive, confidential financial information.

RESPONSE:

Plaintiffs have disclosed and/or will produce non-privileged documents responsive to this request, if any exist, subject to their objections and the Stipulated Protective Order.

7. *Produce all Documents provided by SS-Japan to Goldman Sachs & Co. (or its agents, attorneys or subsidiaries) that concern or relate to Goldman Sachs & Co.'s (or its subsidiary's) acquisition or potential acquisition of all or part of SS-Japan or any part of SS Group.*

Objection: Unduly burdensome, harassing, and overly broad. The post-bankruptcy transfers of ownership or acquisitions (e.g., of Japan properties) are irrelevant to any claim or defense raised in this action. This request is not reasonably calculated to lead to the discovery of admissible evidence. Goldman Sachs is not a party to this action. Seeks information that may be privileged and attorney work product.

RESPONSE:

Plaintiffs will not produce documents in response to this request. Defendants will have access to relevant, non-privileged SS-Japan documents, but whether these documents were transmitted to Goldman Sachs & Co. after the bankruptcy is irrelevant to this dispute.

RESPONSE:

Plaintiffs have disclosed and/or will produce non-privileged documents responsive to this request, if any exist, subject to their objections and the Stipulated Protective Order

MAY 13 2005

DATED: Honolulu, Hawai'i, _____.



PAUL ALSTON
GLENN T. MELCHINGER
Attorneys for Plaintiffs

Documents Responsive to Defendants OR Hotel, LLC
and Mililani Golf Club, LLC's First Request for
Answers to Interrogatories and
First Request for Production of Documents to Plaintiffs'

| Bates Range | RFPD / RFI Request No(s) | Date Inspected |
|--|--------------------------|----------------|
| 130 0677 - 130 0712 | RFPD 13 RFI 5 & 8 | 3/11/05 |
| 130 1073 - 130 1093 194 1110 - 194 1128 194 0179 - 194 0198 194 0200 - 194 0219 | RFPD 12 RFI 5 | 3/11/05 NYI |
| 130 1145 - 130 1163 194 1235 - 194 1253 | RFPD 12 RFI 5 | 3/11/05 NYI |
| 130 1746 - 130 1755 | RFPD 13 RFI 5 & 8 | 3/11/05 |
| 130 1756 - 130 1789 194 0933 - 194 0966 194 0548 - 194 0581 | RFPD 13 RFI 5 & 8 | 3/11/05 NYI |
| 130 1051 - 130 1072 | RFPD 12 RFI 5 | 3/11/05 |
| 130 1127 - 130 1144 194 1130 - 194 1147 | RFPD 12 RFI 5 | 3/11/05 NYI |
| 194 0221 - 194 0242 194 0243 - 194 0264 | RFPD 12 RFI 5 | NYI |
| 130 1727 - 130 1745 194 0582 - 194 0600 194 0967 - 194 0985 | RFPD 13 RFI 5 & 8 | 3/11/05 NYI |
| 194 0601 - 194 0612 | RFPD 13 RFI 5 & 8 | NYI |

| Bates Range | RFPD/ RFI Request No(s). | Date Inspected |
|--|--------------------------|----------------|
| 130 1111 - 130 1126 194 1148 - 194 1163 | RFPD 12 RFI 5 | 3/11/05 NYI |
| 194 0265 - 194 0284 194 0285 - 194 0304 | RFPD 12 RFI 5 | NYI |
| 130 1669 - 130 1697 194 0986 - 194 1021 | RFPD 13 RFI 5 & 8 | 3/11/05 NYI |
| 130 1698 - 130 1726 194 0613 - 194 0639 | RFPD 13 RFI 5 & 8 | 3/11/05 NYI |
| 130 0817 - 130 0839 | RFPD 12 RFI 5 | 3/11/05 |
| 130 1094 - 130 1110 194 1180 - 194 1196 194 1255 - 194 1271 109 0164 - 109 2031 109 0232 - 109 0248 | RFPD 12 RFI 5 | 3/11/05 NYI |
| 194 0305 - 194 0327 194 0328 - 194 0350 | RFPD 12 RFI 5 | NYI |
| 130 1274 - 130 1308 194 0640 - 194 0674 194 0675 - 194 0709 | RFPD 13 RFI 5 & 8 | 3/11/05 NYI |
| 130 0713 - 130 0738 130 0739 - 130 0764 130 0765 - 130 0790 130 0791 - 130 0816 194 0351 - 194 0376 194 0377 - 194 0412 | RFPD 12 RFI 5 | 3/11/05 NYI |

| Bates Range | RFPD / RFI Request No(s) | Date Inspected |
|---|--------------------------|----------------|
| 130 1917 - 130 1934 194 1197 - 194 1214 194 1272 - 194 1307 109 0249 - 109 0264 109 0265 - 109 0280 | RFPD 12 RFI 5 | 3/11/05 NYI |
| 194 0710 - 194 0745 194 0746 - 194 0781 194 0782 - 194 0843 | RFPD 13 RFI 5 & 8 | NYI |
| 194 2402 - 194 2418 | RFPD 12 RFI 5 | NYI |
| 194 2153 - 194 2276 | RFPD 13 RFI 5 & 8 | NYI |
| 194 0844 - 194 0878 | RFPD 13 RFI 5 & 8 | NYI |
| 194 1939 - 194 2033 194 2034 - 194 2154 | RFPD 13 RFI 5 & 8 | NYI |
| 079 0587 - 079 0655 | RFI 17 | 2/22/05 |
| 160 0002 - 160 0203 | RFI 4, 17 | 2/22/05 |
| 160 0204 - 160 0414 | RFI 4, 17 | 2/22/05 |
| 198 0402 - 198 0406 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 198 0407 - 198 0409 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 198 0410 - 198 0411 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 198 1107 | RFI 17 | 2/22/05 |

| Bates Range | RFPD / RFI Request No(s) | Date Inspected |
|---|--------------------------|----------------|
| 068 0930 068 0933 068 0936 - 068 0937 068 0938 068 0941 068 0944 068 0947 - 068 0949 068 0951 - 068 0955 | RFI 17 | 2/22/05 |
| 068 0931 068 0934 068 0936 - 068 0937 068 0939 068 0942 068 0945 068 0947 - 068 0949 068 0951 - 068 0955 | RFI 17 | 2/22/05 |
| 068 0932 068 0935 068 0936 - 068 0937 068 0940 068 0943 068 0946 068 0947 - 068 0949 068 0951 - 068 0955 | RFI 17 | 2/22/05 |
| 031 1351 - 031 1357 | RFI 17 | 2/22/05 |
| 109 0233 - 109 0248 | RFPD 12 RFI 5 | 2/22/05 |
| 109 0249 - 109 0280 | RFPD 12 RFI 5 | 2/22/05 |
| 027 1001 - 027 1010 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 027 1011 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 074 0908 - 074 0913 | RFPD 13 RFI 5 & 8 | 2/22/05 |

| Bates Range | RFPD/ RFI Request No(s). | Date Inspected |
|---------------------|--------------------------|----------------|
| 074 0914 - 074 0924 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 074 0926 - 074 0941 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 074 1090 - 074 1101 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 074 0786 - 074 0822 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 074 0823 - 074 0829 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 074 0830 - 074 0836 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 074 0837 - 074 0884 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 074 0837 - 074 0884 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 022 0653 | RFI 17 RFI 5 & 8 | 2/22/05 |
| 077 1776 - 077 1791 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 002 1315 - 002 1356 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 002 1388 - 002 1398 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 002 1605 - 002 1606 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 002 1607 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 001 0481 - 001 0485 | RFI 11 | 2/22/05 |
| 001 0516 - 001 0715 | RFI 11 | 2/22/05 |
| 001 0883 - 001 0920 | RFPD 13 RFI 5 & 8 | 2/22/05 |

| Bates Range | RFPD / RFI Request No(s) | Date Inspected |
|---|--------------------------|----------------|
| 001 0921 - 001 0935 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 001 0936 - 001 0946 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 001 0947 - 001 0957 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 001 0958 - 001 0966 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 001 1818 - 001 1851 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 075 1232 - 075 1255 075 1255 075 1899 - 075 1904 075 1907 075 1909 075 1915 - 075 1926 075 2067 - 075 2313 077 0021 - 077 0033 077 0058 - 077 0070 077 0080 - 077 0091 077 0177 - 077 0209 077 1269 - 077 1310 074 1120 - 074 1133 074 1145 - 074 1221 074 1239 - 074 1277 074 1278 - 074 1362 074 1372 - 074 1385 074 1709 - 074 1710 074 1751 074 1765 - 074 1777 074 1781 - 074 1793 074 0957 - 074 0958 074 0960 - 074 0971 074 1016 074 1030 - 074 1059 073 0509 - 073 0533 073 0549 - 073 0550 073 05617 073 0564 - 073 0599 073 0601 - 073 0617 | RFI 17 | 2/22/05 |
| 022 0699R - 022 0703R | RFI 17 | 2/22/05 |
| 022 0859 - 022 0862 | RFI 17 | 2/22/05 |

| Bates Range | RFPD / RFI Request No(s.) | Date Inspected |
|---|---------------------------|----------------|
| 022 0506 - 022 0520 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 022 0521 - 022 0522 | RFPD 2 | 2/22/05 |
| 077 1382 - 077 1448 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 069 0412 - 069 0423 | RFI 17 | 2/22/05 |
| 069 0424 - 069 0429 | RFI 17 | 2/22/05 |
| 069 0430 - 069 0502 | RFI 17 | 2/22/05 |
| 069 0789 - 069 1071 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 031 1185 - 031 1345 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 013 1691 - 013 1849 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 027 1012 - 027 1015 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 033 0192 - 033 0199 033 0230 - 033 0249 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 033 0433 - 033 0437 | RFPD13 RFI 5 & 8 | 2/22/05 |
| 033 0788 - 033 0833 | RFI 17 | 2/22/05 |
| 033 0960 - 033 0961 033 0987R - 033 0988R 033 0990 - 033 0992 033 0994R - 033 1000R 033 1004R - 0331005 033 1007R - 033 1010 033 1023R - 033 1030 | RFI 17 | 2/22/05 |
| 033 0965 - 033 0966 | RFI 17 | 2/22/05 |
| 033 1035 - 033 1234 | RFI 17 | 2/22/05 |
| 073 0487 - 073 0489 | RFI 17 | 2/22/05 |
| 073 0534 - 073 0545 | RFI 17 | 2/22/05 |

| Bates Range | RFPD/ RFI Request No(s) | Date Inspected |
|---------------------|-------------------------|----------------|
| 033 0869 | RFI 17 | 2/22/05 |
| 033 0878 | RFI 17 | 2/22/05 |
| 033 0979 - 033 0980 | RFI 17 | 2/22/05 |
| 072 1768 - 072 1773 | RFI 10 | 2/22/05 |
| 072 1777 - 072 1778 | RFI 17 | 2/22/05 |
| 072 1780 - 072 1784 | RFI 17 | 2/22/05 |
| 072 1785 | RFI 17 | 2/22/05 |
| 072 1786 | RFI 10 | 2/22/05 |
| 072 1787 - 072 1790 | RFI 17 | 2/22/05 |
| 073 0099 - 073 0100 | RFI 10 | 2/22/05 |
| 074 0004 - 074 0019 | RFI 17 | 2/22/05 |
| 074 0021 - 074 0760 | RFI 17 | 2/22/05 |
| 024 2256 - 024 2275 | RFI 18 | 2/22/05 |
| 013 1558 - 013 1565 | RFI 17 | 2/22/05 |
| 013 1566 - 013 1568 | RFI 17 | 2/22/05 |
| 013 1570 - 013 1580 | RFI 17 | 2/22/05 |
| 013 1581 | RFI 17 | 2/22/05 |
| 013 1582 - 013 1585 | RFI 17 | 2/22/05 |
| 013 1586 | RFI 17 | 2/22/05 |
| 013 1587 - 013 1589 | RFI 17 | 2/22/05 |
| 013 1590 - 013 1601 | RFI 17 | 2/22/05 |
| 013 1602 - 013 1607 | RFI 17 | 2/22/05 |
| 013 1691 - 013 1849 | RFPD 13 RFI 5 & 8 | 2/22/05 |
| 074 1814 - 074 1932 | RFI 17 | 2/22/05 |
| 022 0831 - 022 0832 | RFI 17 | 2/22/05 |

| Bates Range | RFPD/ RFI Request No(s) | Date Inspected |
|---------------------|-------------------------|--------------------|
| 256 0108 - 256 0129 | RFPD 10 | NYI - See Attached |
| 256 0130 - 256 0171 | RFPD 10 | NYI - See Attached |
| 256 0172 - 256 0211 | RFPD 10 | NYI - See Attached |
| 256 0212 - 256 0238 | RFPD 10 | NYI - See Attached |

CAR - Consolidated Audit Report

CFS - Consolidated Financial Statements

GT - Grant Thornton

NYI - Not Yet Inspected

RICPA- Report of Independent Certified Public Accountants

VERIFICATION

JAPAN

OSAKA

)
) SS:
)

Michihiro Chikubu, being first duly sworn on oath, deposes and says:

That he is the President of SPORTS SHINKO CO., LTD. and that he is an agent of SPORTS SHINKO CO., LTD. for the purpose of answering the foregoing *requests for answers to interrogatories* and for making this verification, and the foregoing answers are true according to his knowledge, information, and belief.

SPORTS SHINKO CO., LTD.

By Tom Cha
Its President

VERIFICATION

JAPAN

)
) SS:
)

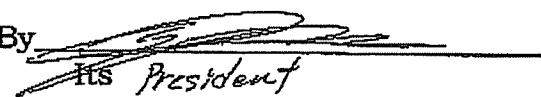
OSAKA

Yoshikiko Maduwa, being first duly sworn on
oath, deposes and says:

That he is the President of SPORTS SHINKO
(USA) CO., LTD. and that he is an agent of SPORTS SHINKO (USA)
CO., LTD. for the purpose of answering the foregoing *requests for*
answers to interrogatories and for making this verification, and the
foregoing answers are true according to his knowledge, information,
and belief.

SPORTS SHINKO (USA) CO., LTD.

By



its President

275674-4/6850-5

2 6230 NO. 2

（株）豊田通商

2005年5月14日 11時09分